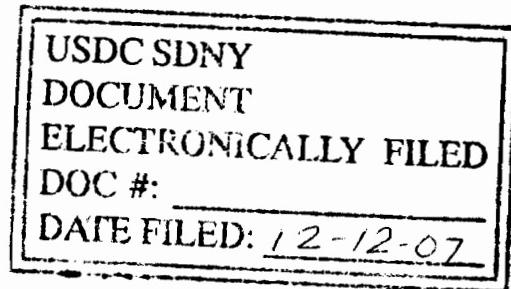


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOCKET NO. 04 M.D. 1598 (JSR)

===== :
IN RE EPHEDRA PRODUCTS :
LIABILITY LITIGATION x :
===== :
: :
SPYROS K. THEODORIDES, :
: :
Plaintiff, :
: :
v. :
: :
NVE PHARMACEUTICALS, INC., et al. :
: :
Defendants. :
===== x :
PERTAINS TO DOCKET NO. 1:07-cv-2867 (JSR)



STIPULATION AND AGREED ORDER OF DISMISSAL WITH PREJUDICE

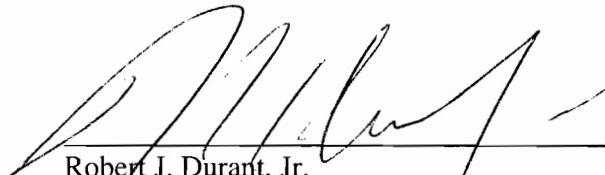
Pursuant to this Court's Case Management Order No. 2, Plaintiff Spyros K. Theodorides, and Defendants NVE Pharmaceuticals, Inc., NVE, Inc. ("NVE, Inc."), Robert Occhifinto and CVS Pharmacy ("CVS Corporation"), by and through counsel, being in agreement, hereby advise the Court that Plaintiff's Complaint against all Defendants should be dismissed, with prejudice, each party to bear its own costs.

Based upon the agreement of the parties as set forth above;

IT IS ORDERED that Plaintiff's Complaint against all Defendants, be, and the same is hereby, DISMISSED, with prejudice, each party to bear its own costs.

SO ORDERED this 11th day of December, 2007.


JED S. RAKOFF
JUDGE, UNITED STATES DISTRICT COURT



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